

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 2233.05  
COMPLAINT INVESTIGATOR: Susan Reimlinger  
DATE OF COMPLAINT: March 8, 2005  
DATE OF REPORT: April 6, 2005  
REQUEST FOR RECONSIDERATION: no  
DATE OF CLOSURE: June 8, 2005

**COMPLAINT ISSUES:**

Whether the MSD Washington Township violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by not showing closed-captioned videos in class.

**FINDINGS OF FACT:**

1. The student (Student) is an eighth grade student eligible for special education and related services as a student with a hearing impairment. The Student participates in public school general education.
2. All parties indicate that the Student's IEP includes the accommodation of closed-captioning for any videos shown in classes. On February 24, 2005, the Student's science teacher showed a video as part of a review for a test but the video did not have closed-captioning. The special education director agrees that the February 24 incident did occur. Documentation submitted includes a letter, staff person unspecified due to the special education director's concern about staff confidentiality regarding disciplinary actions. The letter reiterates instructions and expectations about "follow[ing] every aspect of [Student's] IEP during science class" and leaving instructions for any substitute.
3. The complainant contends that over the course of this year and last year, multiple videos without closed-captioning have been shown to the Student by multiple teachers. The special education director's response did not address any specific incidences other than the one described in Finding of Fact #2. However, documentation submitted does indicate that after the assistant principal met in September 2004 with all of the Student's teachers, an email was sent to unspecified staff persons reiterating the previous meeting regarding "mandates" about the Student's classroom needs related to the hearing impairment. Additionally, a staff inservice was conducted on September 2, 2004, to review accommodations and how there "are no exceptions to these accommodations." While there is no date on the "attention sub:" document, the instructions it contains are referenced in two other documents, dated this school year, as being mandated to use for substitute teachers.

**CONCLUSIONS:**

1. Findings of Fact #2 and #3 indicate that while steps have been taken to notify "all teachers" in advance, and one teacher after a specific incidence, about the required accommodation of closed-captioning for videos, this accommodation is not consistently implemented. Therefore, a violation of 511 IAC 7-27-7(a) is found.

**The Department of Education, Division of Exceptional Learners requires corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

MSD Washington Township shall:

1. Offer the Student the option of re-viewing the video, with closed-captioning or, if not available, with some other appropriate method of ascertaining the video's content and then re-taking the test. Whether Student chooses to re-view the video and re-take the test, the school shall submit a written statement about which course of action was chosen. Said documentation shall be sent to the Division by May 27, 2005.
2. Compose a written reminder to all of the Student's teachers regarding the requirement in 511 IAC 7-27-7(a) about implementing students' IEPs in general and about the specific accommodations for this Student. All teachers shall record their initials, in lieu of names, on the reminder verifying their receipt of the information. A copy of the initialed reminder shall be submitted to the Division by May 27, 2005.